

25 MAR 1963

Mr. Harold H. Leich, Chief
Program Planning Division
United States Civil Service Commission
Bureau of Programs and Standards
Washington 25, D. C.

Dear Mr. Leich:

We were interested in your letter of 15 February regarding the subject of malpractice insurance for Government physicians and have explored this subject with our medical and legal staffs. Without attempting to weigh the merits of an amendment to the Federal Tort Claims Act as opposed to Government payment of malpractice insurance premiums as alternative remedies, we believe that either approach addresses itself to the solution of a very real problem.

In response to your specific questions concerning the proposal that the Government pay for the cost of malpractice insurance, we offer the following:

1. Is there a real need for some sort of financial assistance for medical personnel to protect against malpractice suits?

Yes.

2. What has been the experience of medical personnel in your agency in this area? How many and what types of suits have been filed against such personnel?

No suits have actually been filed. However, there have been a few instances in which such action was seriously considered by an employee.

3. What limitations should be placed on the amount of insurance coverage furnished?

We have no specific dollar limitation to suggest. However, we believe the coverage would necessarily be limited to claims arising from the physician's official duties and exclude any claims which might arise from private practice if he were so engaged.

4. Should the Government pay up to a fixed premium amount, or base it on the prevailing premium rates, or is there some more desirable method of fixing the Government's contribution?

Prevailing rates would appear to be the most logical solution.

5. Can you suggest any other method for providing protection against malpractice suits?

No.

6. Would your agency support or sponsor a legislative proposal in this area?

We would support a general proposal in this area assuming, of course, that the administrative requirements involved were not in conflict with our requirements of cover and security.

7. Are there any other groups of employees who may have a similar need for some type of liability protection?

We are not aware of any other such groups.

We will be glad to receive your reports of further developments in this area.

Sincerely,

/s/ Emmett D. Echols

Emmett D. Echols
Director of Personnel

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Legislative Counsel
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